

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

January 8, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

MAUI

Cancellation of Revocable Permit No. S-5775 to Maui Hill Condominiums and Re-issuance of Revocable Permit to Association of Apartment Owners of Maui Hill, Wailuku, Maui, Tax Map Key: (2) 3-9-4:140.

APPLICANT:

Association of Apartment Owners of Maui Hill, a domestic nonprofit corporation.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kamaole Homesteads, situated at Wailuku, Maui, identified as Tax Map Key: (2) 3-9-4:140, as shown on the attached map labeled Exhibits A.

AREA:

.916 acres, more or less.

ZONING:

State Land Use District:	Urban
County of Maui CZO:	Open Space

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES \_\_\_\_ NO  
X

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-5775 to Maui Hill Condominiums, Permittee, for landscaping, pedestrian path and maintenance purposes.

CHARACTER OF USE:

Landscaping, pedestrian path and maintenance purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$44.00 per month.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing".

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO ____
Registered business name confirmed:	YES <u>x</u>	NO ____
Applicant in good standing confirmed:	YES <u>x</u>	NO ____

BACKGROUND:

The Land Board at its meeting of June 27, 1980, under agenda Item F-1-e, authorized the issuance of a revocable permit to Maui Hill Condominiums for landscaping, pedestrian path

and maintenance purposes. By letter dated June 2, 1980, Mr. Ronald Fukumoto, Project Engineer of Norman Saito Engineering Consultants, Inc. requested a revocable permit for landscaping and maintenance purposes. Their client, Kraus-Anderson of St. Paul Development Corporation was developing the Maui Hill Condominium. It was believed by having tenants responsible for maintaining the area this would increase the beauty of the area.

Revocable Permit No. S-5775 was issued commencing July 1, 1980.

Recently, the Land Board at its meeting of October 23, 2009, under agenda Item D-12, authorized staff to re-issue new revocable permit documents to 144 tenants, more or less. Revocable Permit No. S-5775 was one of the tenants identified. The Attorney General's office discovered during the preparation of the new document that our tenants' name didn't match. We were dealing with the condominium homeowners association since 2001 and not the Maui Hill Condominiums, as stated in the revocable permit document.

REMARKS:

The proposed use is allowed in the county zoning.

The applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no records on file of any other applicants requesting to utilize the subject parcel.

Staff did not solicit comments from other governmental agencies.

Staff is recommending the monthly rent be \$44. The Land Board at its meeting of October 23, 2009, under agenda Item D-9, approved staffs recommendation to renew Land Divisions tenants and there would be no change in the current monthly rent.

RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Cancellation of Revocable Permit No. S-5775.
3. Vegetation / grasses in the subject area should be maintained at a level to prevent overgrowth and potential fire hazard concerns. Trees should be trimmed and pruned as needed.

4. Authorize the issuance of a revocable permit to Association of Apartment Owners of Maui Hill covering the subject area for landscaping, pedestrian path and maintenance purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson

**Par. KANAOLE HOMESTEADS, WAILUKU, MAUI**

**194** Webb's Design Services Inc.  
**82** Foodmaster Inc.

3. New Bangor Ltd Partnership
61. State of Hawaii  
Kane Enterprise  
Tourism Development Corporation  
Hawaii Kamade Enterprise of  
sub-state
67. sub-state Development  
Co
145. State of Hawaii Corporation

89 Maui Parkshore Apartments  
72829 f

140 State of Hawaii  
Kauaiguanu Homeowners Ass'n  
Box Post 3-57000, apt. 0138  
(Maui) Mail Cushmanville  
Box Post 5-5775 near 1205 A

84 "Maui Kamaole"  
Honolulu Federal Savings & Loan  
Association

23 State of Hawaii  
(Island Investment Ltd/le  
G.L. S-4892  
(Tons Shingo Hama Inc)  
sub-le

24 Xinhai  
Shenzhen

*"Mama Kai - Maui"*  
Candace Reed-Resort Developers  
800 Acs.  
Maui

77 Kishore Realty International  
120 Varied Owners app 7400 1926

135 Main Court

143 New Remond Apartments

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**SUBJECT TO CHANGE**

DEPARTMENT OF THE TAX COMMISSIONER  
 TAXATION MAPS BUREAU  
 STATE OF MAINE  
**TAX MAP**  
 RECORD  
 ZONE    SEC    DIVISION  
 3       9       04  
 CONTAINING    PARCELS  
 SCALE: 1 IN. = 500 FT.

# EXHIBIT A